

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #8	CCRB Case #: 201705828	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/11/2017 5:01 PM	Location of Incident: § 87(2)(b)	Precinct: 72	18 Mo. SOL 10/11/2018	EO SOL 10/11/2018	
Date/Time CV Reported Tue, 07/18/2017 12:00 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 07/18/2017 12:00 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Cayenne	2135	954620	072 PCT
2. POM Daniel Martin	16213	959792	072 PCT
3. POF Laura Byelyakova	12316	953713	072 PCT
4. POM Adib Algahiti	21917	960108	072 PCT
5. POF Melanie Weinstein	15927	955656	072 PCT
6. SGT Michael Fedeale	03491	948955	072 PCT
7. Officers			
8. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POF Laura Byelyakova	Abuse: Police Officer Laura Byelyakova entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POF Melanie Weinstein	Abuse: Police Officer Melanie Weinstein entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Daniel Martin	Abuse: Police Officer Daniel Martin entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.POM Adib Algahiti	Abuse: Police Officer Adib Algahiti entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E.SGT Michael Fedeale	Abuse: Sergeant Michael Fedeale entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F.POM Christian Cayenne	Abuse: Police Officer Christian Cayenne entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
G. Officers	Abuse: Officers entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.SGT Michael Fedele	Abuse: Sergeant Michael Fedele forcibly removed § 87(2)(b) to the hospital.	
I.SGT Michael Fedele	Force: Sergeant Michael Fedele used physical force against § 87(2)(b)	
J.POM Christian Cayenne	Force: Police Officer Christian Cayenne used physical force against § 87(2)(b)	
K.POM Daniel Martin	Force: Police Officer Daniel Martin used physical force against § 87(2)(b)	
L.POM Adib Algahiti	Force: Police Officer Adib Algahiti used physical force against § 87(2)(b)	
M. Officers	Force: Officers used physical force against § 87(2)(b)	
N. An officer	Force: An officer restricted § 87(2)(b) breathing.	
O. An officer	Force: An officer used physical force against § 87(2)(b)	
P. An officer	Force: An officer struck § 87(2)(b) with an asp.	
Q. Officers	Force: Officers used physical force against § 87(2)(b)	
R. An officer	Force: An officer used physical force against § 87(2)(b)	
S.POM Christian Cayenne	Off. Language: Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) via Facebook message.	
T.POM Christian Cayenne	Discourtesy: Police Officer Christian Cayenne spoke discourteously to § 87(2)(b) via Facebook message.	
U.POM Christian Cayenne	Abuse: Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force via Facebook message.	

Summary of Complaint

On July 18th, 2017, § 87(2)(b) filed this complaint in person at the CCRB.

On April 11th, 2017, at approximately 5:00PM, Police Officers Laura Byelyakova, Melanie Weinstein, Daniel Martin, Adib Algahiti, Christian Cayenne, Sergeant Michael Fedele, and other officers from the 72nd Precinct entered § 87(2)(b) of § 87(2)(b) in Brooklyn (**Allegations A-G: Abuse of Authority, § 87(2)(g)**). Sgt. Fedele made the decision to forcibly remove § 87(2)(b) to the hospital (**Allegation H: Abuse of Authority, § 87(2)(g)**), and Sgt. Fedele, along with PO Cayenne, PO Martin, PO Algahiti, and other officers from the 72nd Precinct used physical force against § 87(2)(b) pursuant to his removal to the hospital (**Allegations I-M: Force, § 87(2)(g)**). During the struggle, an officer allegedly restricted § 87(2)(b) breathing (**Allegation N: Force, § 87(2)(g)**), allegedly repeatedly stomped on § 87(2)(b) head (**Allegation O: Force, § 87(2)(g)**), and allegedly struck § 87(2)(b) with an asp (**Allegation P: Force, § 87(2)(g)**). Officers allegedly kicked and kneed § 87(2)(b) on his sides (**Allegation Q: Force, § 87(2)(g)**), and after being brought up from the ground, an officer allegedly slammed § 87(2)(b) against the wall (**Allegation R: Force, § 87(2)(g)**). While at the hospital, § 87(2)(b) allegedly received a Facebook message from PO Cayenne in which he allegedly used offensive (**Allegation S: Offensive Language, § 87(2)(g)**) and discourteous language against § 87(2)(b) (**Allegation T: Discourtesy, § 87(2)(g)**), and also allegedly threatened § 87(2)(b) with the use of force (**Allegation U: Abuse of Authority, § 87(2)(g)**).

There is no video footage that captures this incident.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Laura Byelyakova entered § 87(2)(b) in Brooklyn.

Allegation B—Abuse of Authority: Police Officer Melanie Weinstein entered § 87(2)(b) in Brooklyn.

Allegation C—Abuse of Authority: Police Officer Daniel Martin entered § 87(2)(b) in Brooklyn.

Allegation D—Abuse of Authority: Police Officer Adib Algahiti entered § 87(2)(b) in Brooklyn.

Allegation E—Abuse of Authority: Sergeant Michael Fedele entered § 87(2)(b) in Brooklyn.

Allegation F—Abuse of Authority: Police Officer Christian Cayenne entered § 87(2)(b) in Brooklyn.

Allegation G—Abuse of Authority: Officers entered § 87(2)(b) in Brooklyn.

Allegation H—Abuse of Authority: Sergeant Michael Fedele forcibly removed § 87(2)(b) to the hospital.

Allegation I—Force: Sergeant Michael Fedele used physical force against § 87(2)(b)

Allegation J—Force: Police Officer Christian Cayenne used physical force against § 87(2)(b)

Allegation K—Force: Police Officer Daniel Martin used physical force against § 87(2)(b)

Allegation L—Force: Police Officer Adib Algahiti used physical force against § 87(2)(b)

Allegation M—Force: Officers used physical force against § 87(2)(b)

Allegation N—Force: An officer restricted § 87(2)(b)'s breathing.

Allegation O—Force: An officer used physical force against § 87(2)(b)

Allegation P—Force: An officer struck § 87(2)(b) with an asp.

Allegation Q—Force: Officers used physical force against § 87(2)(b)

Allegation R—Force: An officer used physical force against § 87(2)(b)

During his in-person statement at the CCRB, § 87(2)(b) who is a black male, testified that on April 11th, 2017, at approximately 4:00PM, he was at home in § 87(2)(b) at § 87(2)(b) in Brooklyn when he called his probation officer, § 87(2)(b) to inform her that he would not be able to make it to his job later that day because he did not have a Metro Card (BR01). § 87(2)(b) spoke to § 87(2)(b) about how he was upset that he was working two jobs and yet had so little money. At one point, § 87(2)(b) asked § 87(2)(b) how he was feeling and if he wanted to hurt himself. § 87(2)(b) refused to answer the question and cursed at § 87(2)(b). At one point during the conversation, § 87(2)(b) told § 87(2)(b) that if he went back to jail, he would start fucking people up and taking his hate out on them because he did not have anything where he was now.

After about an hour, § 87(2)(b) told § 87(2)(b) that she would call him back in five minutes and disengaged the call. About five minutes later, § 87(2)(b) was listening to music on his bed when PO Byelyakova and a male EMT opened the door to his room without knocking and they both set a foot past the threshold. PO Weinstein, PO Martin, PO Algahiti, and a female EMT were in the hallway. § 87(2)(b) used a raised voice to tell the officers and EMTs that he did not know what the fuck they were doing there or who told them they could bust into his room, and that they should close his fucking door. PO Byelyakova told § 87(2)(b) that the EMTs were there to help and that he needed to go with them. § 87(2)(b) told PO Byelyakova that he was not going anywhere. At some point during this conversation, PO Byelyakova brought her foot back into the hallway, but continued to hold the door open as she had before.

The officers at the door called for backup while § 87(2)(b) told the EMTs that it was not necessary for them to examine him outside of his room. § 87(2)(b) told PO Byelyakova that he did not know why the officers had been called. PO Byelyakova told § 87(2)(b) that his girlfriend had called saying that he wanted to kill himself. § 87(2)(b) attempted to close the door on PO Byelyakova because he did not have a girlfriend. PO Byelyakova pushed back on the door. As PO Byelyakova did this, § 87(2)(b) a shelter employee, stepped into § 87(2)(b) room, and told him to relax and go with the EMTs to the hospital. § 87(2)(b) told § 87(2)(b) that he needed to get a Metro Card for work, and attempted to walk out the door. § 87(2)(b) took hold of § 87(2)(b) and told him to sit down and relax while he got him a Metro Card. § 87(2)(b) went outside the room, where § 87(2)(b) saw that § 87(2)(b) another shelter employee, was standing with around ten additional officers who had arrived while § 87(2)(b) was speaking with § 87(2)(b). Almost all of the officers, including PO Martin, PO Algahiti, Sgt. Fedele, and PO Cayenne together entered § 87(2)(b) room. § 87(2)(b) jumped off the bed and continued to tell the officers that he would not go to the hospital.

PO Cayenne took hold of § 87(2)(b) left hand, but § 87(2)(b) pulled it away. As § 87(2)(b) did this, an officer punched § 87(2)(b) directly above his right eye. This punch blurred § 87(2)(b) vision and so he had a hard time seeing for the remainder of the incident. § 87(2)(b) began to bring his hands to his face, but officers took hold of his arms and placed a handcuff around his left hand. An officer struck § 87(2)(b) right thigh with his knee, causing

§ 87(2)(b) to fall backwards onto his bed. Once § 87(2)(b) landed on the bed, he began to move his arms around. An officer pulled § 87(2)(b) off the bed and onto the ground. The officers flipped § 87(2)(b) so that he was facedown, but § 87(2)(b) continued to move his body, preventing the officers from bringing the handcuffs around his other hand. An officer placed and knee on the left side of § 87(2)(b) neck and pressed it down so that § 87(2)(b) could not breathe at all. § 87(2)(b) yelled “Stop. I can’t breathe” three times, and § 87(2)(b) also yelled “stop.” As § 87(2)(b) yelled, the officer who had a knee on § 87(2)(b) neck said that § 87(2)(b) was biting him, which was not true. After ten seconds, the officer who had a knee on § 87(2)(b) neck released his knee. Another officer stomped § 87(2)(b) head into the ground seven times. Around this time, an officer struck § 87(2)(b) with an asp once on his right side, kicked § 87(2)(b) in the left hamstring, and stepped on § 87(2)(b) left hamstring. § 87(2)(b) also felt officers punch and knee him in his rib cage on both sides of his body.

After two minutes, officers pulled § 87(2)(b) up from the ground. § 87(2)(b) still only had handcuffs around his left hand. An officer who took hold of § 87(2)(b) left bicep and swung § 87(2)(b) left arm such that the entire front of § 87(2)(b) body made contact with the wall. § 87(2)(b) used the momentum from being thrust against the wall hit an officer with his right shoulder. In return, this officer took hold of both of § 87(2)(b) arms, pulled them behind his back, and placed them in handcuffs. § 87(2)(b) was removed to § 87(2)(b), where he was taken to a psychological ward and eventually discharged later that night. Medical staff at the hospital informed § 87(2)(b) that he had a chipped molar tooth on the back left side of his mouth and an abrasion to his left cornea. § 87(2)(b) also told the medical staff that he had left wrist pain.

The ambulance call report for this job completed by EMT § 87(2)(b) notes that § 87(2)(b) was fighting the police by biting and spitting (BR02; privileged document). § 87(2)(b) would not remain still enough for the EMTs take his vital signs. The other ambulance call report is consistent with that prepared by EMT § 87(2)(b).

§ 87(2)(b) medical records from § 87(2)(b) indicate that § 87(2)(b) complained of eye pain and pain in his left was diagnosed with aggressive behavior and a corneal abrasion to his left eye, and that he was ultimately discharged after a psychological examination later that night (BR02; privileged document). § 87(2)(b) made no mention of left wrist pain.

§ 87(2)(b) probation officer at the time of the incident, testified that she received a call from § 87(2)(b) who had just been transferred to the shelter and was about to begin a new job the next day (BR03). § 87(2)(b) told § 87(2)(b) that he did not have a Metro Card for his new job and that it was “her” fault. From the outset, § 87(2)(b) used a raised voice. § 87(2)(b) asked whose fault it was, and § 87(2)(b) said it was his son’s mother’s fault. § 87(2)(b) stated that he would go to his son’s mother’s house and kill her. § 87(2)(b) added that whenever he tells his son’s mother that he wants to hurt himself, she encourages him to do so. § 87(2)(b) told § 87(2)(b) that she would call him back in five minutes and disengaged the call. § 87(2)(b) called 911, and informed the 911 operator about the threat § 87(2)(b) made against his son’s mother and his statement about hurting himself.

The recording of § 87(2)(b)’s 911 call is generally consistent § 87(2)(b)’s testimony, although in the recording § 87(2)(b) specified that § 87(2)(b) sent screen shots of a texting conversation between himself and another individual in which he stated that he wanted to kill

others and kill himself (BR25). During the call § 87(2)(b) also informed the 911 operator that § 87(2)(b) stated that he was going to kill his girlfriend.

§ 87(2)(b) the § 87(2)(b), testified that PO Byelyakova, PO Martin, PO Weinstein, and PO Algahiti arrived at the shelter and informed him that they received a call from § 87(2)(b) parole officer in which they learned that § 87(2)(b) was thinking of harming himself following an argument with his girlfriend (BR04). § 87(2)(b) testified that it is shelter and Department of Homeless Services' policy that when the shelter receives a call about a client who is threatening to harm himself, that client must be taken to a medical professional to be evaluated. § 87(2)(b) and a security guard escorted the four officers to § 87(2)(b) room. § 87(2)(b) told § 87(2)(b) Operations had come, opened the door, and he and § 87(2)(b) went several steps into the room. § 87(2)(b) held the door open. Some of the four officers told § 87(2)(b) that they had received a call in which they learned he was trying to harm himself, and asked if they could speak to him. § 87(2)(b) used a raised voice to tell the officers that he was not going anywhere. As § 87(2)(b) and the four officers attempted to explain why they needed to speak to § 87(2)(b) either PO Byelyakova or PO Weinstein stepped into the room. Although the female officer who went in the room did not ask to come inside, § 87(2)(b) did not have a problem with her coming inside.

Eventually, through the course of the conversation, all four officers went a few steps into the room. § 87(2)(b) was moving around the room and cursed at the officers. For a short time, § 87(2)(b) left to get the director of the shelter, § 87(2)(b). At some point, a large number of officers arrived on scene and about ten of them went inside the room. After about 25 minutes of speaking with the officers, § 87(2)(b) said that if they wanted to take him anywhere they would have to kill him first. As he said this, § 87(2)(b) took off his shirt, raised his arms up, and approached the group of officers. Some of the officers told § 87(2)(b) to turn around and put his hands behind his back. § 87(2)(b) did not comply and said the officers would have to drag him out of the shelter. The officers began to take hold of § 87(2)(b) so § 87(2)(b) stepped away from them. § 87(2)(b) had a hard time seeing what happened as the officers attempted to place § 87(2)(b) in handcuffs because there were so many officers around § 87(2)(b). § 87(2)(b) moved his body around and the officers told him to stop resisting. Eventually, the officers brought § 87(2)(b) to the ground, where § 87(2)(b) continued to resist. The officers were taking hold of different parts of § 87(2)(b) body including his arms as they attempted to bring them behind his back. At one point, an officer said § 87(2)(b) bit him, but § 87(2)(b) did not see this happen. At one point, § 87(2)(b) heard § 87(2)(b) tell the officers that they did not have to choke him, but § 87(2)(b) did not see any officer place a knee on § 87(2)(b) neck. Two to three minutes after the beginning of the physical altercation, § 87(2)(b) said he was not resisting the officers anymore, so the officers placed him in handcuffs. EMS arrived at some point near the end of the incident. § 87(2)(b) could not remember if the officers ever spoke amongst themselves about § 87(2)(b) condition or whether or not he needed to be removed from the hospital.

PO Byelyakova testified that she learned over the radio that § 87(2)(b) wanted to kill himself (BR05). Upon her arrival at the shelter with PO Martin, PO Weinstein, and PO Algahiti, § 87(2)(b) led the four officers to § 87(2)(b) room, but did not provide any further information about § 87(2)(b). PO Byelyakova could not recall how the door to § 87(2)(b) room came to be open, but shortly after she and the other officers arrived at § 87(2)(b) room she and PO Weinstein began to speak to § 87(2)(b) informing him that he needed to go to the

hospital to be evaluated. PO Byelyakova and PO Weinstein spoke to § 87(2)(b) from outside the room. § 87(2)(b) told the four officers that he did not call them and that he would fuck them up. § 87(2)(b) was pacing back and forth and moving his arms up in front of him as he spoke. PO Byelyakova called for backup because it did not seem like he was going to go to the hospital voluntarily and was threatening the officers.

Additional units and EMS arrived on scene at about the same time. Sgt. Fedele was among the additional units. At this point, there were more than ten officers in total on scene. EMS and many of the officers on scene entered § 87(2)(b) room all together as different officers were speaking to § 87(2)(b). PO Byelyakova remained outside the room. Someone made the determination to bring § 87(2)(b) to the hospital, but PO Byelyakova did not know who this was. The officers in the room began to restrain § 87(2)(b) who at this time was standing near the bed at the back of the room, but PO Byelyakova did not see how this occurred because there were so many officers around § 87(2)(b). PO Byelyakova and PO Weinstein never entered the room.

PO Martin testified that as he and PO Byelyakova initially spoke to § 87(2)(b) in the doorway, but as they continued to speak to him, they both entered the room because § 87(2)(b) was moving around and they wanted to stay near him to prevent him from closing the door (BR06). Shortly after, PO Weinstein and PO Alaghi arrived on scene and PO Weinstein began to speak to § 87(2)(b). § 87(2)(b) approached PO Weinstein and came within an inch of her face, so the four officers called for backup. When the additional units arrived, Sgt. Fedele made the decision to have § 87(2)(b) placed in handcuffs. A number of officers entered § 87(2)(b) room in order to place him in handcuffs. § 87(2)(b) backed away from the officers and moved his arms around as officers, including PO Martin, attempted to take hold of them. § 87(2)(b) backed into his bed and fell down on it. PO Martin took hold of one of § 87(2)(b) arms and multiple officers held § 87(2)(b) down as he continued to move his whole body around. One of the officers successfully handcuffed § 87(2)(b) on the bed. No one ever placed a knee on § 87(2)(b) neck and he never complained of having trouble breathing. A number of officers assisted to lift § 87(2)(b) up from the bed. § 87(2)(b) did not resist after he was placed in handcuffs.

PO Weinstein testified that a security guard at the shelter opened the door, and she, PO Byelyakova, PO Martin, and PO Alaghi spoke to § 87(2)(b) from outside the room (BR07). After Sgt. Fedele decided to place § 87(2)(b) in handcuffs and a number of officers went inside the room to do so, PO Weinstein and PO Byelyakova went a few steps inside the room to speak to § 87(2)(b) about why they had come. PO Weinstein did not see how the officers placed § 87(2)(b) in handcuffs because she was focusing on speaking with § 87(2)(b).

PO Alaghi testified that at first shelter staff went inside § 87(2)(b) room (BR08). § 87(2)(b) began to yell and curse, so PO Alaghi and PO Weinstein, who were primarily speaking with § 87(2)(b), went inside the room to continue speaking with him. EMS arrived around the same time as Sgt. Fedele and the additional units, but PO Alaghi could not remember if Sgt. Fedele spoke with them before deciding to place § 87(2)(b) in handcuffs. An officer attempted to take hold of one of § 87(2)(b) arms, but he began to move them away. PO Alaghi and a number of other officers made physical contact with § 87(2)(b) in order to place him in handcuffs, but PO Alaghi could not remember what actions specifically he and other officers took to do so besides that officers brought § 87(2)(b) to the ground facedown. It took some time to place § 87(2)(b) in handcuffs once he was on the ground because he continued to move around. No one used an asp against § 87(2)(b).

Sgt. Fedele testified that when he arrived on scene in response to a 911 call regarding a suicidal male, PO Byelyakova, PO Martin, PO Weinstein, and PO Algahiti were all inside § 87(2)(b) room (BR09). Sgt. Fedele went inside and spoke to the four officers, who told him that § 87(2)(b) had been aggressive, violent, and refused to go to the hospital or be seen by EMS. Sgt. Fedele did not remember the EMTs telling him about § 87(2)(b) condition and did not remember the EMTs speaking to § 87(2)(b). Sgt. Fedele told § 87(2)(b) that he had no choice but to go to the hospital to get checked out, but § 87(2)(b) continued to refuse to go. § 87(2)(b) needed to be placed in handcuffs because his behavior as described by the officers initially on scene made him an EDP and it was unclear if he would try to hurt himself or others.

Sgt. Fedele approached § 87(2)(b) and told him that he was going to place him in handcuffs for everyone's safety. In response, § 87(2)(b) punched Sgt. Fedele in the chest causing Sgt. Fedele to fall to the ground. Sgt. Fedele got back up and took hold of one of § 87(2)(b) wrists, but § 87(2)(b) moved his arms up and down. Around this time, other officers, including PO Cayenne, took hold of § 87(2)(b) arms and attempted to bring them behind his back. During the physical altercation, § 87(2)(b) somehow came to be on either his bed or the ground, after which time § 87(2)(b) was placed in handcuffs. While he was on the ground, § 87(2)(b) kick his legs. Sgt. Fedele believed officers held § 87(2)(b) legs down, but did not specifically observe this.

PO Cayenne testified that when he and Sgt. Fedele arrived on scene, they waited outside the room to gauge his compliance (BR10). After Sgt. Fedele decided to place § 87(2)(b) in handcuffs, PO Cayenne stepped inside the room to make sure the other officers in the room were safe. PO Cayenne took hold of § 87(2)(b) left arm as other officers also assisted in taking hold of § 87(2)(b) arms as § 87(2)(b) moved his shoulders back and forth in resistance. At the start of the physical altercation, § 87(2)(b) back was against the wall, but as § 87(2)(b) continued to resist, PO Cayenne made contact with the wall. Through the course of the struggle, § 87(2)(b) fell onto his bed and from there fell to the ground. § 87(2)(g)

People v. Greenleaf, 222 AD 2d 838 (1995) outlines three requirements that must be met to apply the emergency exception to the warrant requirement for an entry: "(1) The police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. (2) The search must not be primarily motivated by intent to arrest and seize evidence. (3) There must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched (BR11)."

§ 87(2)(g)

Patrol Guide Procedure 221-02 states that officers must “apply no more than the reasonable force necessary to gain control” in police incidents (BR14).

§ 87(2)(g)

Patrol Guide 221-02 states that officers must “apply no more than the reasonable force necessary to gain control” in police incidents, and that officers should “avoid actions which may result in chest compression ... thereby reducing the subject’s ability to breathe (BR14).”

§ 87(2)(g)

Patrol Guide 221-02 states that officers must “apply no more than the reasonable force necessary to gain control” in police incidents (BR14).

§ 87(2)(g)

Allegation S—Offensive Language: Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) via Facebook message.

Allegation T—Discourtesy: Police Officer Christian Cayenne spoke discourteously to § 87(2)(b) via Facebook message.

Allegation U—Abuse of Authority: Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force via Facebook message.

§ 87(2)(b) testified that while he was waiting for his psychological examination in the hospital, he received a Facebook message from an individual named “§ 87(2)(b),” which read

“Yo. You want static. Pussy fuckboy, come to Flatbush (BR01).” § 87(2)(b) testified that he perceived the use of the word “static” to mean “problems,” and that overall this message indicated that if § 87(2)(b) wanted problems, then he should go to Flatbush to fight the sender of the message. § 87(2)(b) perceived this invitation to fight as a threat. § 87(2)(b) did not recognize the Facebook account and saw that there were very few pictures on it which would have identified the Facebook user. § 87(2)(b) believed that PO Cayenne used the pseudonym “§ 87(2)(b)” to send the message because considering his role in removing § 87(2)(b) to the hospital, he was the only person with the motivation to send such a message. § 87(2)(b) also cited two later interactions that he had with PO Cayenne which contributed to his belief that PO Cayenne was the only person with the motivation to send such a message. In these two later incidents, PO Cayenne allegedly spoke discourteously to § 87(2)(b) used offensive language against him, and threatened him with the use force. § 87(2)(b) did not send the CCRB a photo of this message. A search of Facebook users with the name § 87(2)(b) revealed no accounts matching § 87(2)(b) description.

PO Cayenne testified that he in no capacity called § 87(2)(b) a “pussy” or a “fuckboy,” nor did he in any capacity threaten § 87(2)(b) with the use of force (BR10). PO Cayenne did not go with § 87(2)(b) to the hospital. PO Cayenne did not have any familiarity with someone named “§ 87(2)(b)” and has never used social media to contact § 87(2)(b).

Patrol Guide 203-10: Public Contact-Prohibited Conduct, states that members of service are forbidden from “using discourteous or disrespectful remarks regarding another person’s ethnicity, race religion, gender, gender identity/expression, sexual orientation or disability (BR15).”

Patrol Guide 203-09: Public Contact—General states that members of the service must “be courteous and respectful (BR16).”

Patrol Guide 221-02 states that officers must “apply no more than the reasonable force necessary to gain control” in police incidents (BR14).

§ 87(2)(g)

[REDACTED]

Mediation, Civil, and Criminal Histories

- This case was deemed unsuitable for mediation.
- The NYC Office of the Comptroller responded to a request on December 11th, 2017, indicating that no notice of claim has been filed by § 87(2)(b) in regards to this incident (BR12).

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first of four complaints filed by § 87(2)(b) [REDACTED] at the CCRB, and the first with FADO allegations (BR18). § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- PO Byelyakova has been a MOS for four years, and this is the second CCRB complaint filed against her (BR19). The previous complaint made against PO Byelyakova generated one allegation, § 87(2)(g) [REDACTED]. The NYPD has not imposed any discipline pursuant to this CCRB case.
- PO Weinstein has been a MOS for four years, and this is the second CCRB complaint filed against her (BR20). The previous complaint made against PO Weinstein generated two allegations. The NYPD has not imposed any discipline pursuant to this CCRB case.
- PO Martin has been a MOS for two years, and this is the first CCRB complaint filed against him (BR21).
- PO Algahiti has been a MOS for two years, and this is the first CCRB complaint filed against him (BR22).
- Sgt. Fedele has been a MOS for seven years, and this is the second CCRB complaint filed against him (BR23). The previous complaint made against Sgt. Fedele generated one allegation which was for Force – Physical Force. The NYPD has not imposed any discipline pursuant to this CCRB case.
- PO Cayenne has been a MOS for four years, and this is the second of three CCRB complaints filed against him (BR24). The third complaint filed against PO Cayenne is § 87(2)(b) [REDACTED] second complaint, CCRB Case #§ 87(2)(b) [REDACTED] which is still open, and which contains discourtesy and offensive language allegations, along with alleged threats of force.

Squad No.: 8

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date